

outlaw faith-based organizations from providing that childcare or require that if they are going to take the Federal money, that they are going to have to hire a workforce that doesn't believe in the same things they do.

That is how we go from what seems to be a relatively innocuous requirement into big trouble and into the executive branch trying to legislate new requirements that are not part of the underlying legislation.

Recent reporting indicates that companies of all types are preparing to make the play for CHIPS funding. This isn't limited to chips manufacturers. We are talking to every industry under the Sun—so-called ecosystem built around these fabs or manufacturing facilities.

The director of general economics at the Cato Institute explained why companies that don't make chips could be making a play for funding. Well, for one thing, I think it should be obvious that people are attracted to the opportunity of qualifying for these grants for this funding. But the director of general economics at Cato pointed to the Commerce Department's unrelated requirements as a suggestion that the administration isn't prioritizing national security. In other words, this should not be a Trojan horse to pass other policy priorities under the guise of protecting our national security.

And we don't want other, perhaps even more concerning, requirements to be added which were not part of the legislation that Congress passed or part of legislative intent.

Companies that do not manufacture chips now believe they have a shot at funding as long as they meet the other unrelated requirements. I want to be absolutely clear that that cannot be the case. In order for the CHIPS Program to succeed—in order to protect our economy and our national security—this needs to be a merit-based application process, with no additional requirements imposed as a condition to receive these grants that was certainly not part of legislative intent or even the debate here in Congress. It should not be used as a Trojan horse to get other policy priorities actually implemented when Congress had no such intent.

So these decisions to make these grants should not depend on relationships with labor unions or any other unrelated factors. It should be based solely on how each project will strengthen our national security and shore up this vulnerable supply chain.

We can't be in a situation where applicants that provide free childcare are favored over those who will do more to strengthen our national security. Again, that is fine if these companies want to do so. And I dare say many, if not all of them, will anyway. But it is a beginning that is concerning because this is a slippery slope to try to shoe-horn other policy priorities into something which will actually distract the Commerce Department and the U.S.

Government from doing what needs to be done when it comes to semiconductor manufacturing.

The CHIPS Program received strong bipartisan support and should remain far above the political fray. The ultimate goal is to boost domestic chip manufacturing, and I am glad to say we are beginning to move in the right direction.

Samsung from South Korea, Texas Instruments, and GlobiTech are expanding their footprint in Texas. Taiwanese Semiconductor Manufacturing Company is growing its presence in Arizona; Intel is putting down roots in Ohio; and Micron is expanding in New York. These are just a few of the announcements that have been made so far, and I expect more to come now that the CHIPS Program is up and running.

Texas has already been a leader in the semiconductor industry. And we are cementing that reputation with the addition of new and expanded chip fabs.

Gov. Greg Abbott is pushing to attract even more chip manufacturers to the Lone Star State. He has been working with leaders in the Texas Legislature this session, including Representative Greg Bonnen and Senator Joan Huffman, to help bring new semiconductor businesses to Texas.

The Texas Legislature recently introduced the Texas CHIPS Act, which would support all chip-related activity in the State—from research and development to design and manufacturing.

I appreciate their leadership on this front, and I am eager to see the positive impact of the chips on communities all across our State and, indeed, all across our Nation.

These are just a few of the investments that will support jobs, our economy, and our national security. The CHIPS Program is key to that success, and I hope the administration will avoid attaching controversial and additional requirements that could imperil or impede its success.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I would like to ask consent—I know we have an order to vote at 1:45—to speak for about 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BOOKER pertaining to the introduction of S. 850 and S. 851 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### NOMINATION OF JESSICA G.L. CLARKE

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Jessica G.L. Clarke to the U.S. District Court for the Southern District of New York.

Born in Akron, OH, Ms. Clarke received her B.A. from Northwestern University in 2001 and earned her J.D. from The Ohio State University Moritz College of Law in 2008. She then clerked for Judge Solomon Oliver, Jr., on the U.S. District Court for the

Southern District of Ohio from 2008 to 2010.

Ms. Clarke began her legal career in 2010, as a trial attorney at the Justice Department's Civil Rights Division in the Housing and Civil Enforcement Section. During her 6 years investigating and litigating civil rights violations, Ms. Clarke gained significant litigation experience, including successfully trying a "first-of-its-kind" housing discrimination case and also securing the largest settlement of its kind in another housing discrimination matter. In 2016, Ms. Clarke went into private practice in New York City for 3 years, focusing on commercial litigation and affirmative civil rights work. Since 2019, she has served as the chief of the Civil Rights Bureau at the New York State Office of the Attorney General, supervising the Bureau's attorneys and staff in enforcing Federal, State, and local civil rights laws in New York.

The American Bar Association has unanimously rated Ms. Clarke "qualified" to serve on the Southern District of New York. Senators SCHUMER and GILLIBRAND strongly support her nomination as well.

I will be supporting this outstanding nominee, and I urge all of my colleagues to do the same.

#### VOTE ON CLARKE NOMINATION

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session.

The question is, Will the Senate advise and consent to the Clarke nomination?

Ms. HASSAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from North Dakota (Mr. CRAMER), the Senator from Texas (Mr. CRUZ), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. MORAN), and the Senator from South Carolina (Mr. SCOTT).

The result was announced—yeas 48, nays 43, as follows:

[Rollcall Vote No. 62 Ex.]

#### YEAS—48

Baldwin	Duckworth	Lujan
Bennet	Durbin	Manchin
Blumenthal	Gillibrand	Markey
Booker	Hassan	Menendez
Brown	Heinrich	Merkley
Cantwell	Hickenlooper	Murphy
Cardin	Hirono	Murray
Carper	Kaine	Ossoff
Casey	Kelly	Padilla
Coons	King	Peters
Cortez Masto	Klobuchar	Reed